

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HOLLY NICOLE NIEMI,

Defendant.

CR 16-124-BLG-SPW-TJC-1

**FINDINGS AND
RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

The Defendant, by consent, appeared before me under Fed. R. Crim. P. 11 and entered a plea of guilty to the Indictment (Docs. 1, 2), which charges the crime of being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

After examining the Defendant under oath, the Court determined:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against her;
2. That the Defendant is aware of the nature of the charge against her and the consequences of pleading guilty to the charge;

3. That the Defendant fully understands her pertinent constitutional rights and the extent to which she is waiving those rights by pleading guilty to the criminal offense charged against her; and

4. That her plea of guilty to the criminal offense charged against her is knowingly and voluntarily entered, and is supported by independent factual grounds sufficient to prove each of the essential elements of the offense charged.

The Court further notes that Defendant entered the guilty plea without a written plea agreement, and counsel represented that no plea agreement offers were made.

Therefore, I recommend that the Defendant be adjudged guilty of the charges in the Indictment and that sentence be imposed.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 20th day of January, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge